

**Serial No. 08/386,912 - Application of MARTIN et al.**

- Claims 1-20, 22-25, and 27-36 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,185,667 to Zimmermann, and
- Claim 21 stands rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,185,667 to Zimmermann.

**The Rejection Over 35 U.S.C. § 112, First Paragraph**

Claims 1-20, 22, 23, and 27-37 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants have amended the claims in order to overcome the § 112, first paragraph rejection.

In response to the above rejection, Applicants traverse the Examiner's position that the application as filed fails to support the claims as amended on November 12, 1996. Rather, Applicants point to the sections as cited in the Amendment of November 12, 1996, for support of the amendments. Notably, the subject matter claimed under the November 12, 1996, Amendment coincided with the disclosure of parent application Serial No. 08/14,508, filed February 8, 1993, now U.S. Patent No. 5,359,363, reflected in the current specification. Nonetheless, Applicants have amended the claims to be fully supported by the disclosure in U.S. Serial No. 07/699,366, filed May 13, 1991, now U.S. Patent No. 5,185,667 (hereinafter, the '667 patent). Applicants submit that the claimed invention as amended is fully supported by the application as filed and the disclosure of the '667 patent.

Applicants reserve the right to pursue claims supported by the '363 patent.

**The Rejection Over U.S. Patent No. 5,185,667**

Applicants are in the process of correcting the inventorship of the above application. However, a correction of inventorship of the application to Mr. Steven D. Zimmermann and Dr. H. Lee Martin

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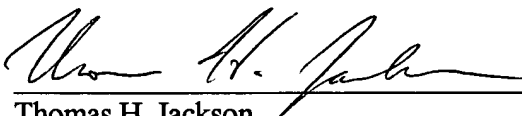
would not overcome the present rejection over the '667 patent to Zimmermann because of the different inventorship. While the '667 patent is currently under reissue proceedings as U.S. Serial No. 08/662,410, *inter alia*, to correct the inventorship to Mr. Zimmermann and Dr. Martin, the reissue application has not yet issued and correction of inventorship of the present application is not appropriate as the current rejection under 35 U.S.C. § 102 (e) would remain. Accordingly, Applicants attach a Petition to Suspend Action for this application in order to wait until the reissue application issues before correction of inventorship.

Applicants concede to the Examiner's position that claim 25 as currently amended is shown in at least column 3, lines 50-52, of the '667 patent.

**Conclusion**

Applicants submit the claims satisfy 35 U.S.C. § 112, first paragraph. Applicants submit that the rejection under 35 U.S.C. §§ 102(e) and 103 cannot be overcome until the reissue of the '667 patent issues with the correct inventorship. As set forth in the attached Petition for Suspension, Applicants request the Examiner suspend action on this amendment and response for six months.

Respectfully submitted,

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